



House of Representatives

File No. 734

General Assembly

January Session, 2005

(Reprint of File No. 366)

House Bill No. 6598
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 6, 2005

AN ACT CONCERNING SURCHARGE CLAUSES IN RESIDENTIAL LEASES FOR HEAT AND UTILITIES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 47a-4 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005, and*
3 *applicable to rental agreements or renewals of rental agreements signed on or*
4 *after October 1, 2005*):

5 (a) A rental agreement shall not provide that the tenant: (1) Agrees
6 to waive or forfeit rights or remedies under this chapter and sections
7 47a-21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35
8 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section
9 of the general statutes or any municipal ordinance unless such section
10 or ordinance expressly states that such rights may be waived; (2)
11 authorizes the landlord to confess judgment on a claim arising out of
12 the rental agreement; (3) agrees to the exculpation or limitation of any
13 liability of the landlord arising under law or to indemnify the landlord
14 for that liability or the costs connected therewith; (4) agrees to waive
15 his right to the interest on the security deposit pursuant to section 47a-

16 21; (5) agrees to permit the landlord to dispossess him without resort
17 to court order; (6) consents to the distraint of his property for rent; (7)
18 agrees to pay the landlord's attorney's fees in excess of fifteen per cent
19 of any judgment against the tenant in any action in which money
20 damages are awarded; [or] (8) agrees to pay a late charge prior to the
21 expiration of the grace period set forth in section 47a-15a or to pay rent
22 in a reduced amount if such rent is paid prior to the expiration of such
23 grace period; or (9) agrees to pay a heat or utilities surcharge if heat or
24 utilities is included in the rental agreement.

25 (b) A provision prohibited by subsection (a) of this section included
26 in a rental agreement is unenforceable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005, and applicable to rental agreements or renewals of rental agreements signed on or after October 1, 2005</i>	47a-4

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could reduce the number of civil cases that the Judicial Department's Housing Session handles by simplifying certain residential lease agreements. Any caseload impact is expected to be negligible, however, and therefore there is no fiscal impact.

House Amendment "A" specified that the effective date would be applicable to rental agreements or renewals of rental agreements signed on or after October 1, 2005. There is no related fiscal impact.

OLR Bill Analysis

HB 6598 (as amended by House "A")*

***AN ACT CONCERNING SURCHARGE CLAUSES IN RESIDENTIAL
LEASES FOR HEAT AND UTILITIES*****SUMMARY:**

This bill specifies that if a rental agreement includes heat and utilities, it cannot additionally require a tenant to agree to pay a heat or utility surcharge. This prohibition applies to rental agreements or agreement renewals signed on or after October 1, 2005.

By law, provisions prohibited from rental agreements are unenforceable.

*House Amendment "A" makes the bill applicable to rental agreements and renewals signed on or after October 1, 2005.

EFFECTIVE DATE: October 1, 2005 for rental agreements or renewals signed on or after that date.

COMMITTEE ACTION

Select Committee on Housing

Joint Favorable Change of Reference

Yea 11 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 18 Nay 0